

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: Cai, et al.

Group No.: To be assigned

Serial No.: 09/975,446

Docket No. 60705-1930

Filed: October 11, 2001

For: System and Method for Providing Adaptive Rate Selection

RESPONSE TO MISSING PARTS NOTICE

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

COPY OF PAPERS
ORIGINALLY FILED
01/15/02

Sir:

In response to the Notice to File Missing Parts of Application, Filing Date Granted, dated November 19, 2001, please find enclosed:

1. Declaration (executed);
2. a copy of the Notice to File Missing Parts of Application, Filing Date Granted;

and

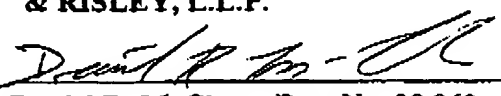
3. a check in the amount of \$130.00 to cover the additional surcharge fee for filing this Response to the Missing Parts Notice.

The Commissioner is authorized to charge Deposit Account 20-0778 for any deficiencies or credit any over payments.

Respectfully Submitted,

THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.

By:


Daniel R. McClure; Reg. No. 38,962

Suite 1750, 100 Galleria Parkway
Atlanta, Georgia 30339-5948
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MAR 28 2002

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0551-0032
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/975,446
Filing Date	October 11, 2001
First Named Inventor	Cal, et al.
Examiner Name	To be assigned
Group / Art Unit	To be assigned
Attorney Docket No.	60705-1930

TOTAL AMOUNT OF PAYMENT (\$) 130.00

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

20-0778

Deposit Account Name

Thomas, Kayden, Horstemeyer Risley

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Credit Card ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	\$
106	330	206	165	Design filing fee	\$
107	510	207	255	Plant filing fee	\$
108	740	208	370	Reissue filing fee	\$
114	160	214	80	Provisional filing fee	\$

SUBTOTAL (1) (\$0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20**		9.00	
Independent Claims	3**	42.00	
Multiple Dependent		140.00	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent Claims in excess of 3
104	280	204	140	Multiple dependent claims in excess of 3
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

** or number previously paid, if greater; For Reissues, see above

SUBTOTAL (2) (\$)

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
118	400	216	200	Extension of time within second month	
117	920	217	460	Extension of time within third month	
118	1,440	218	720	Extension of time within fourth month	
128	1,960	228	980	Extension of time within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
136	1,510	136	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt.	
581	40	581	40	Recording each patent assignment per property (time number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
189	900	189	900	Request for expedited examination of a design application	
Other fee (specify)				Missing Parts Fee	130

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) 130

SUBMITTED BY

Typed or Printed Name

Daniel R. McClure

Registration No. 38,962

(Attorney/Agent)

Telephone Number

770-933-9500

Signature

Date

12-11-01

Deposit Account

24504

User ID

WARNING: Information on this form may become public. Credit Card information should not

Be included on this form. Provide credit card information and authorization on PTO-2038

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:
 U.S. Patent and Trademark Office, Washington, DC 20231

Received from < > at 3/28/02 1:03:50 PM [Eastern Standard Time]

CERTIFICATE OF MAILING

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

**Assistant Commissioner for Patents
Box: Missing Parts
Washington, D.C. 20231**

on December 11, 2001

Hui Chin Barnhill
Hui Chin Barnhill

In re application of: **Cai, et al.**

Art Unit: **To be assigned**

U.S. Serial Number: **09/975,446**

Examiner: **To be assigned**

Filing Date: **October 11, 2001**

Our Reference Number: **60705-1930**

Title: **System and Method for Providing Adaptive Rate Selection**

The following is a list of documents enclosed:

Return Postcard
Missing Parts Response
Copy of Notice to File Missing Parts
Declaration (executed)
Check in the amount of \$130.00
Fee Transmittal

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

Cert-Mailing-Reg.doc

MAR 28 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/975,446	10/11/2001	Lujing Cai	060705-1930

CONFIRMATION NO. 9170

FORMALITIES LETTER



OC00000007067652

24504

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA, GA 30339-5948

Date Mailed: 11/14/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

COPY OF PAPERS
ORIGINALLY FILED

8/1/15/02

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

THOMAS, KAYDEN
HORSTEMEYER & RISLEY, LLP

NOV 19 2001

DOCKETED
NMP due 1/14/02

OIPF

MAR 28 2002

Serial No.: 09/75,446 Filed: October 11, 2001
 Patent No.: _____ Issued: _____
 Applicant: Cas, et al.
 Title: System and Method for Providing Adaptive Rate Selection

Docket No.: 60705-1930
 EM No.: _____

C/M Date: 12-10-01
 Due Due: _____

**PATENT AND TRADEMARK OFFICE
 STAMP HEREON ACKNOWLEDGES
 RECEIPT OF THE BELOW
 IDENTIFIED PAPERS:**

USPTO STAMP

Cert. of Mailing: ☒ Regular US Mail
☐ Express Mail

Fees ☒ \$ 130.00
 Pymt ☒ Check
 Form ☐ Dep. Acct
☐ Credit Card Paym't Form

☒ Fee Transmittal Page

☒ Missing Parts Response
☒ Verified Small Entity Statement(s)
☐ Declaration & Power of Attorney
☐ Preliminary Amendment
☐ Information Disclosure Statement
☐ Form 1449
☐ Cited Prior Art References ()
☐ Assignment/Assign't Cover Sheet
☐ Status Inquiry (in duplicate)
☐ Amendment Transmittal Page
☐ Amendment:
☐ Non-Final ☐ Final
☐ After Notice of Allowance
☐ Petition for Extension of Time
 to: _____
☐ Petition to Make Special

☐ Issue Fee Trx. ☐ In Duplicate
☐ Sheets of Drawings
☐ Formal ☐ Informal
☐ Letter/Trx. To Draftsman
☐ Prior to NOA ☐ W/ NOA
☐ After NOA
☐ Maintenance Fee Transmittal
☐ 3.5 ☐ 7.5 ☐ 11.5
☐ in duplicate
☐ Terminal Disclaimer
☐ Notice of Appeal
☐ Appeal Brief
☐ Request for Refund
☐ Request for Correction F/R
☐ Notice of Continuation Applic.
☐ Request for Cert. Of Correct.
☐ Certificate of Correction x 2

☒ Other: Copy of Notice of Missing Parts

Person Mailing: HCB

Responsible Atty: DLM

TKHR**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**

ATTORNEYS AT LAW

100 Galleria Parkway, NW
Suite 1750
Atlanta, GA 30339-5948
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Facsimile: (770) 951-0933
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MAR 28 2002

Daniel R. McClure
Telephone: (770) 933-9500 x 259

e-mail: dan.mcclure@tkhr.com

March 28, 2002

FACSIMILE TRANSMISSION

[60705-1930]

TO
OIPE

FAX: 703-746-4060

TEL:

From
Daniel R. McClure

FAX: 770-951-0933

TEL: 770-933-9500

RE: Appln. No. 09/975,446

(Message) Please find attached a copy of the documents filed on December 11, 2001, in connection with the Notice of Missing Parts. As well, we understand that no fee is due since our check for this fee of \$130.00 was deposited on January 24, 2002.

Number of Pages (Including This Cover Sheet): - 10 - Page
PLEASE ACKNOWLEDGE SAFE AND CLEAR RECEIPT OF ALL PAGES.

CONFIDENTIAL

The information in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this facsimile in error, please notify us by telephone and return the original message to us at the address above via the United States Postal Service. Thank you.

INTERNATIONAL PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED LITIGATION

Received from < > at 3/28/02 1:03:50 PM [Eastern Standard Time]

Atlanta, Georgia

Williamsburg, Virginia



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/975,446	10/11/2001	Cai, Lujing	60765-1930

24504

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA GA 30339-5948

DOCKETED
RESPONSE DUE 4/5/02

Title: System and method for providing adaptive rate selection

Date Mailed: 03/22/2002

Request for Substitute Papers

The papers filed on 01/15/02 (certificate of mailing dated 12/11/01) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated **703-746-4060(OIPE)**.

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO **strongly** prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate OIPE, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely replay to this notice within **two (2) weeks** of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. **A copy of this notice should be included with the reply.**

The enclosed papers are a complete and accurate copy of the above-identified papers.

Name: Daniel R. McClure Registration No.: 38,962

Signature: *Daniel R. McClure* Date: 3-28-02

THOMAS, KAYDEN
HORSTEMEYER & RISLEY, LLP

MAR 25 2002

MAR 28 2002

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.

20392

DATE	DESCRIPTION	INVOICE #	CHECK AMOUNT	DEDUCTION	NET AMOUNT
12/11/01	Commissioner of Patents & Trademarks Missing Parts/60705.1930	121107	130.00		130.00

CHECK DATE 12/11/01	CONTROL NUMBER 20392	TOTALS ► Gross: 130.00 Ded: 0.00 Net: 130.00
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20392

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ATLANTA, GA 30339
64-1-810

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.

100 GALLERIA PARKWAY, N.W., SUITE 1750
ATLANTA, GA 30339-5948
PH. 770-933-9500

DATE 12/11/01
CHECK AMOUNT *****\$130.00

*** ONE HUNDRED THIRTY & 00/100 DOLLARS

PAY

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OF:

Commissioner of Patents & Trademarks

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[Signature]

⑈000020392⑈ ⑈06⑈00000⑈0⑈ 12 885 086⑈